

**SUPREME COURT MINUTES  
THURSDAY, SEPTEMBER 11, 2003  
SAN FRANCISCO, CALIFORNIA**

**S118759**D042739 Fourth Appellate District,  
Division One

FLOURNEY v. S.C. (PEOPLE)

Petition ordered withdrawn

pursuant to written request of petitioner.

**S117618**D037599 Fourth Appellate District,  
Division OneCALIFORNIA ASSOCIATION OF RETAIL  
TOBACCONISTS v. STATE OF CALIFORNIA  
Time extended to grant or deny review

to October 17, 2003

**S117636**A100327 First Appellate District,  
Division OneTESORO REFINING v. COMMUNITIES FOR A  
BETTER ENVIRONMENT

Time extended to grant or deny review

to October 20, 2003

**S117640**G031262 Fourth Appellate District,  
Division Three

KIRKEBY v. S.C. (FASCENELLI)

Time extended to grant or deny review

to October 20, 2003

**S117645**

H023589 Sixth Appellate District

ATKINSON v. ELK CORPORATION

Time extended to grant or deny review

to October 17, 2003.

**S015008**

PEOPLE v. SCHMECK (MARK L.)

Extension of time granted

to September 19, 2003 to appellant to file  
response to the court's letter dated, August 21,  
2003, regarding sealed record.**S029174**

PEOPLE v. GRIFFIN (DONALD)

Extension of time granted

to respondent to October 2, 2003 to file a  
response to appellant's motion for post-  
conviction discovery.

**S042224**PEOPLE v. CRUZ (THOMAS V.)  
Extension of time granted

to November 3, 2003 to file appellant's reply brief.

**S042323**PEOPLE v. BURNEY (SHAUN K.)  
Extension of time granted

to November 14, 2003 to file appellant's reply brief. The court anticipates that after that date, only 3 further extensions totaling 180 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S044834**PEOPLE v. JOHNS (RAYMOND F.)  
Extension of time granted

to November 4, 2003 to file appellant's opening brief. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon counsel William Flenniken, Jr.'s representation that he anticipates filing that brief by 11/30/2003. Counsel is ordered to inform his or her assisting attorney or entity, if any and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S052520**PEOPLE v. WILLIAMS (DEXTER)  
Extension of time granted

to November 3, 2003 to file appellant's reply brief. The court anticipates that after that date, only 2 further extensions totaling 90 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S053228**PEOPLE v. ALEXANDER (ANDRE STEPHEN)  
Extension of time granted

to September 23, 2003 to file appellant's opening brief. Extension is granted based upon counsel Thomas Kallay's representation that he anticipates filing that brief by 9/23/2003. After that date, no further extension will be granted.

**S065573**PEOPLE v. BECERRA (FRANK K)  
Extension of time granted

to November 4, 2003 to file appellant's opening brief. The court anticipates that after that date, only 2 further extensions totaling 120 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S067394**PEOPLE v. CAPISTRANO (JOHN L.)  
Extension of time granted

to November 12, 2003 to file appellant's opening brief. The court anticipates that after that date, only 3 further extensions totaling 180 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S107782**WELCH (DAVID E.) ON H.C.  
Extension of time granted

to October 15, 2003 to file the reply to the informal response to the petition for writ of habeas corpus. Extension is granted based upon counsel Wesley A. Van Winkle's representation that he anticipates filing that document by 10/15/2003. After that date, no further extension will be granted.

**S112195**WILLIAMS (AMBER LEE) ON H.C.  
Extension of time granted

to October 8, 2003 to file the Attorney General's informal response.

**S113929**B153455 Second Appellate District,  
Division SixPEOPLE v. BROWN  
Extension of time granted

to September 23, 2003 to file respondent's answer brief on the merits

**S115079**DICKY (COLIN RAKER) ON H.C.  
Extension of time granted

to October 8, 2003 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling about 30 additional days is contemplated. Extension is granted based upon counsel James W. Haworth's representation that he anticipates filing that document by 11/6/2003.

**S115818**SMITH (GREGORY CALVIN) ON H.C.  
Extension of time granted

to October 10, 2003 to file the informal response to the petition for writ of habeas corpus. After that date, no further extension will be granted. Extension is granted based upon Deputy Attorney General Lisa H. Ashley Ott's representation that she anticipates filing that document by 12/3/2003.

**S115824**MILLER (DONALD) ON H.C.  
Extension of time granted

to October 6, 2003 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, no further extension is contemplated. Extension is granted

based upon counsel Marcia A. Morrissey's representation that she anticipates filing that document by 10/4/2003.

**S116971**

BENSON (RICHARD ALLEN) ON H.C.  
Extension of time granted

to September 26, 2003 to file the informal response to the petition for writ of habeas corpus. Extension is granted based upon Deputy Attorney General Richard S. Moskowitz's representation that he anticipates filing that document by 9/26/2003. After that date, no further extension is contemplated.

**S117235**

LEWIS (ROBERT) ON H.C.  
Extension of time granted

to October 8, 2003 to file the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling about 30 additional days is contemplated. Extension is granted based upon Deputy Attorney General Margaret E. Maxwell's representation that she anticipates filing that document by 11/6/2003.

**S116659**

D039544 Fourth Appellate District,  
Division One

PEOPLE v. BURROUGHS  
Counsel appointment order filed

Upon request of appellant for appointment of counsel, Laurel Nelson Smith is hereby appointed to represent appellant on his appeal now pending in this court.

**S117370**

A097168 First Appellate District,  
Division One

PEOPLE v. RANDLE  
Counsel appointment order filed

First District Appellate Project is hereby appointed to represent appellant on his appeal now pending in this court.  
Appellant's brief on the merits shall be served

and filed on or before thirty (30) days from the date respondent's opening brief on the merits is filed.

**S108309**

B142943 Second Appellate District,  
Division Seven

PEOPLE v. SMITH  
Orders filed

The request of counsel for appellants in the above-referenced cause to allow three counsel to argue on behalf of appellants at oral argument is hereby granted.

The request of the appellants to allocate to their counsel 10 minutes each of appellants' 30-minute allotted time for oral argument is granted.

**S090057**

IN THE MATTER OF THE SUSPENSION OF  
ATTORNEYS PURSUANT TO RULE 962 CALIFORNIA  
RULES OF COURT

Having been provided proof of compliance pursuant to Family Code 17520, the suspension of **RICHARD ALLAN RUBEN**, pursuant to our order filed on **August 19, 2003**, is hereby terminated

This order is final forthwith.

**S108587**

RULE 962 SUSPENSION

Having been provided proof of compliance pursuant to Family Code 17520, the suspension of **RICHARD S. COLLINS**, pursuant to our order filed on **August 5, 2003**, is hereby terminated

This order is final forthwith.

**S115703****KING ON DISCIPLINE**  
Order filed

Due to clerical error of the State Bar, the order herein filed July 28, 2003, imposing discipline, is modified nunc pro tunc to correct the name to read **VICTORIA ELAINE KING**, State Bar No. 159053, in place and stead of Victoria Elaine Kim.

**S113873****PEUGEOT ON DISCIPLINE**  
Recommended discipline imposed

It is ordered that **BRADFORD JONATHAN PEUGEOT, State Bar No. 77827**, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed January 9, 2003. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in equal installments for membership years 2004, 2005 and 2006.

**S116278****MCCONE ON DISCIPLINE**  
Recommended discipline imposed

It is ordered that **JAMES G. McCONE, State Bar No. 163918**, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney

Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on March 26, 2003. Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

**S116279****MENDEZ ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that **ARMANDO JAVIER MENDEZ, State Bar No. 138799**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Costs are awarded to the State Bar.

**S116282****MORGAN ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **CHRISTOPHER ALAN MORGAN, State Bar No. 96950**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for five years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Credit towards the period of actual suspension shall be given for the period of interim suspension which commenced on January 14, 1998. (*In re Young* (1989) 49 Cal.3d 257, 270.) **Christopher Alan Morgan** is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 10, 2003. It is also ordered that he take and pass



the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-half of said costs shall be added to and become part of the membership fees for the years 2004 and 2005. (Bus. & Prof. Code section 6086.10.)

**S116448****MANNING ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **MICHAEL EDWIN MANNING, State Bar No. 149757**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 17, 2003. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

**S116450****LEIGH-TAYLOR ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **DOUGLAS B. LEIGH-TAYLOR, State Bar No. 82262**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for six months, as recommended by the Hearing Department of the State Bar Court in its decision filed on March 27, 2003; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the

Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he shall remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that respondent comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7. \*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S116451****CLARK ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that **GEORGE STANLEY CLARK, State Bar No. 63328**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. **George Stanley Clark** is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar. \*(See Bus. & Prof. Code, § 6126, subd. (c).)

S116455

SHELLEY ON DISCIPLINE

Recommended discipline imposed

It is ordered that **MICHAEL JOSEPH SHELLEY, State Bar No. 51558**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for 60 days, as recommended by the Hearing Department of the State Bar Court in its decision filed on March 12, 2003, as amended by its order filed April 16, 2003, and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. **Michael Joseph Shelley** is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If **Michael Joseph Shelley** is actually suspended for two years or more, he shall remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that **Michael Joseph Shelley** take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If **Michael Joseph Shelley** is actually suspended for 90 days or more, it is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S116610****SUCKLING ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **JOHN ROBERT SUCKLING, State Bar No. 24918**, be suspended from the practice of law for three years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for 90 days as recommended by the Hearing Department of the State Bar Court in its decision filed on April 7, 2003, and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he shall remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that respondent comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7. \*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S116615****PEUGEOT ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **BRADFORD JONATHAN PEUGEOT, State Bar No. 77827**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including 90 days actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on June 5, 2003, as modified. The period of actual suspension shall run consecutive to the period of actual suspension imposed in case no. S113873 (00-O-14622). It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order, if Respondent is not ordered to do so in case no. S113873 (00-O-14622). (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar and one-third of said costs shall be added to and become part of the membership fees for years 2004, 2005 and 2006. (Business & Professions Code section 6086.10.)

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S116617****ELAM ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that **CALVIN F. ELAM, JR, State Bar No. 146368**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after

the date this order is effective.\* Costs are awarded to the State Bar.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S116618**

**COCHRANE ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **JULIANNE K. COCHRANE, State Bar No. 143971**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that she be placed on probation for two years subject to the conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 23, 2003, as modified by its order filed June 9, 2003. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-half of said costs shall be added to and become part of the membership fees for years 2004 and 2005. (Business & Professions Code section 6086.10.)

**S116619**

**CAMBRIDGE ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **CARL MICHAEL CAMBRIDGE, State Bar No. 86047**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on May 14, 2003. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-half of said costs shall be added to and

become part of the membership fees for years 2004 and 2005. (Business & Professions Code section 6086.10.)

**S116831**

**STEELE ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **PAUL HARRY STEELE, State Bar No. 72798**, be suspended from the practice of law for three years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for three years, as recommended by the Hearing Department of the State Bar Court in its decision filed on April 4, 2003; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California; and until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. **Paul Harry Steele** is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for termination of his actual suspension. Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

**Bar Misc. 4186**

**IN THE MATTER OF THE APPLICATION OF THE  
COMMITTEE OF BAR EXAMINERS OF THE  
STATE BAR OF CALIFORNIA FOR ADMISSION  
OF ATTORNEYS**

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:  
*(List Of Names Attached To Original Order)*

